



TEXAS GENERAL LAND OFFICE

DISASTER RECOVERY PROGRAM

FHAST Form Resources for Actions Referring to State Guidance

Although there are many impediments and action items included in the Fair Housing Activity Statement – Texas (FHAST), this guidance document only addresses the actions referring to State Guidance. The other action choices are based on local, independent commitments.

<u>Impediment</u>	<u>Action</u>	<u>Guidance</u>
<p>#6: Governmental entities at all levels do not appear to have been proactive in the enforcement of both the Fair Housing Act and the obligation to affirmatively further fair housing. The State and Subrecipients should implement a robust and effective structure for identifying and pursuing suspected violations.</p>	<p>3. Impacted agencies that provide certification that they are affirmatively furthering fair housing as required by federal law, should consider publishing a public document on enforcement that provides the public and communities with a clear description (and chart) of the state and Federal Fair Housing Act.</p>	<p>GLO has developed a “Fair Housing Flyer –Local Process for Filing a Complaint” for subrecipient/grantee use: http://www.glo.texas.gov/GLO/documents/disaster-recovery/fair-housing-issues/fh-flyer-local-process-complaint.pdf . The flyer is a tool to provide fair housing enforcement contacts so the public may report fair housing violations. The GLO has posted links on the Fair Housing page of its website regarding the Federal Fair Housing Act. The subrecipient/grantee may also post these resource links, such as the HUD portal below: http://portal.hud.gov/hudportal/HUD?src=/program_office/s/fair_housing_equal_opp/FHLaws/yourrights.</p>
	<p>5. Each local jurisdiction should publish on its website a clear statement, approved jointly by the GLO, expressing the jurisdiction's obligation to affirmatively further fair housing and providing a method for reporting suspected noncompliance to the state and to</p>	<p>GLO’s “Fair Housing Flyer –Local Process for Filing a Complaint” http://www.glo.texas.gov/GLO/documents/disaster-recovery/fair-housing-issues/fh-flyer-local-process-complaint.pdf may be adopted by the Subrecipient/Grantee. The local jurisdiction should identify their local Fair Housing contact on the form. The local jurisdiction should develop a clear local Fair Housing procedure for the complaint process. The local</p>

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	<p>HUD. The jurisdiction's contact person should be able to refer to clear local Fair Housing procedures for the complaint process, keep logs and records of all inquiries, allegations, complaints and referrals. These reports should be sent to the appropriate funding agency. Where these reports show that a jurisdiction has administered programs inconsistently with the AI and had the effect of discouraging applications from members of protected classes who are deemed eligible under the plan for assistance, affirmative marketing plans should be developed and submitted to the appropriate agency.</p>	<p>Fair Housing complaint process should be added to the flyer or provided with the flyer. The local jurisdiction should also develop the process of how they log, record, and report all Fair Housing inquiries, allegations, complaints and report referrals to the appropriate funding agency (GLO). Additional information on reporting requirements is outlined in <i>Chapter 10: Civil Rights Requirements</i> of the Disaster Recovery Project Implementation Manual located at: http://www.glo.texas.gov/GLO/documents/disaster-recovery/GLO-DR-implementation-manual.pdf.</p>
<p>#7 Many local jurisdictions have zoning codes, land use controls, and administrative practices that may impede fair housing choice and fail to affirmatively further fair housing.</p>	<p>1. The law anticipates that ordinances creating disparate impact should also be reviewed for change. If a disparate impact is determined to exist by the local jurisdiction, it could repeal or amend the restriction, use public funds to offset the cost through homebuyer assistance programs, or waive fees or other offsets to make the home more affordable.</p>	<p>Local jurisdictions should incorporate Fair Housing/AFFH implications into the development of codes/ordinances. A policy statement/guidance should be adopted to require those responsible for developing codes/ordinances to consider and document Fair Housing/AFFH implications. See the "<i>Fair Housing, Zoning and Neighborhood Impact</i>" document for further guidance.</p>

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	<p>2. To help limit concentrations that could be considered impediments to affirmatively furthering fair housing, jurisdictions that have long term planning documents for housing growth or redevelopment, or revitalization plans, should consider allowing or encouraging mixed income affordable housing in the plan and provide incentives for development of this type of housing in areas that are not concentrated.</p>	<p>Local jurisdictions should review their local long term housing planning documents that include housing growth, redevelopment or revitalization plans to determine if the jurisdiction allows or encourages mixed income affordable housing in the plans. Local jurisdictions should consider revising their long term plans to encourage and provide incentives for mixed income affordable housing developments, if it does not currently exist. The jurisdiction should use the FFAST Form impediments and action steps as a critical piece of its Fair Housing Review. The jurisdiction should also refer to the HUD Fair Housing Planning Guide posted on the GLO website as a secondary component: http://www.glo.texas.gov/GLO/documents/disaster-recovery/fair-housing-issues/analysis-of-impediments/hud-fair-housing-planning-guide.pdf.</p>
<p>#9 There are impediments in public and private actions and private attitudes to housing choice for persons with disabilities.</p>	<p>2. Local jurisdictions should work to ensure that zoning or code requirements do not unnecessarily impose stricter commercial building requirements, such as emergency access or protection services, on group homes, thereby dramatically increasing housing costs for persons with special needs.</p>	<p>Local jurisdictions should review their codes and ordinances to address any impediments relating to special needs persons, including rules that might prevent facilities or personal residences from providing assistance or communities of choice or service-enriched environments that directly impact special needs persons, and rules that might unfairly increase the cost to special needs persons. See the <i>“Fair Housing, Zoning and Neighborhood Impact”</i> document for further guidance.</p>
<p>#16 Many jurisdictions do not have adequate Analysis of Impediments to Fair Housing or Fair Housing Plans, and do not keep sufficient records of their activities.</p>	<p>1. Recipients of CDBG funds from HUD for housing should maintain records as required by the Fair Housing Act, HUD regulations, and the Conciliation Agreement in order to document that they are carrying out their commitments and affirmatively furthering fair housing.</p>	<p>Local jurisdictions must document and maintain records of their AFFH activities. It is important for local jurisdictions to establish a system for documenting their AFFH activities as the GLO will be monitoring the jurisdiction’s compliance of the Fair Housing activities committed to in the FFAST form. The GLO may implement grantee/ subrecipient reporting requirements to capture additional information as needed. The jurisdiction will be notified if such additional reports are required.</p>